

Appendixes



- A. California Desert Protection Act
- B. Timbisha Shoshone Homeland Act
- C. Record of Decision
- D. Northern and Eastern Mojave Project Time Line

APPENDIX A: CALIFORNIA DESERT PROTECTION ACT (PUBLIC LAW 103-433)

Sections Relevant to Death Valley National Park

One Hundred Third Congress

of the

United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday,
the twenty-fifth day of January, one thousand nine hundred and ninety-four

An Act

To designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks, to establish the Mojave National Preserve, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Sections 1 and 2, and titles I through IX of this Act may be cited as the "California Desert Protection Act of 1994".

SEC. 2. FINDINGS AND POLICY.

(a) The Congress finds and declares that--

(1) the federally owned desert lands of southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal Government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that--

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to--

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

- (C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;
- (D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and
- (E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

TITLE III--DEATH VALLEY NATIONAL PARK

SEC. 301. FINDINGS.

The Congress hereby finds that-

- (1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;
- (2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;
- (3) the monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and wilderness values;
- (4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a National Park; and
- (5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

SEC. 302. ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK.

There is hereby established the Death Valley National Park (hereinafter in this title referred to as the "park") as generally depicted on twenty-three maps entitled "Death Valley National Park Boundary and Wilderness-Proposed", numbered in the title one through twenty-three, and dated July 1993 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

SEC. 303. TRANSFER AND ADMINISTRATION OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted in the maps described in section 302 of this title, without consideration, to the administrative jurisdiction of the National Park Service for administration as part of the National Park System, and the boundary of the park shall be adjusted accordingly. The Secretary shall administer the areas added to the park by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

SEC. 304. MAPS AND LEGAL DESCRIPTION.

Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 302. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior.

SEC. 305. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

SEC. 306. GRAZING.

(a) IN GENERAL- The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) SALE OF PROPERTY- If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

SEC. 307. DEATH VALLEY NATIONAL PARK ADVISORY COMMISSION.

(a) The Secretary shall establish an Advisory Commission of no more than fifteen members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Death Valley National Park.

(b)(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the advisory commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the advisory commission.

(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.

(d) The advisory commission shall cease to exist ten years after the date of its establishment.

SEC. 308. BOUNDARY ADJUSTMENT.

In preparing the maps and legal descriptions required by sections 304 and 602 of this Act, the Secretary shall adjust the boundaries of the Death Valley National Park and Death Valley National Park Wilderness so as to exclude from such National Park and Wilderness the lands generally depicted on the map entitled "Porter Mine (Panamint Range) Exclusion Area" dated June 1994.

TITLE V-MOJAVE NATIONAL PRESERVE

(*The following section included under Title V is applicable to all wilderness areas and park units designated or enlarged by the CDPA.)

SEC. 519. NO ADVERSE AFFECT ON LAND UNTIL ACQUIRED.

Unless and until acquired by the United States, no lands within the boundaries of wilderness areas or National Park System units designated or enlarged by this Act that are owned by any person or entity other than the United States shall be subject to any of the rules or regulations applicable solely to the Federal lands within such boundaries and may be used to the extent allowed by applicable law. Neither the location of such lands within such boundaries nor the possible acquisition of such lands by the United States shall constitute a bar to the otherwise lawful issuance of any Federal license or permit other than a license or permit related to activities governed by 16 U.S.C. 4601-22(c). Nothing in this section shall be construed as affecting the applicability of any provision of the Mining in the Parks Act (16 U.S.C. 1901 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), or regulations applicable to oil and gas development as set forth in 36 CFR 9B.

TITLE VI--NATIONAL PARK SYSTEM WILDERNESS

SEC. 601. DESIGNATION OF WILDERNESS.

(a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1311 et seq.), the following lands within the units of the National Park System designated by this Act are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred fifty-eight thousand thirty-eight acres, as generally depicted on twenty-three maps entitled "Death Valley National Park Boundary and Wilderness", numbered in the title one through twenty-three, and dated October 1993 or prior, and three maps entitled "Death Valley National Park Wilderness", numbered in the title one through three, and dated July 1993 or prior, and which shall be known as the Death Valley Wilderness.

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and Wilderness-Proposed", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94-567.

(3) Mojave National Preserve Wilderness, comprising approximately six hundred ninety-five thousand two hundred acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and Wilderness-Proposed", and numbered in the title one through ten, and dated March 1994 or prior, and seven maps entitled "Mojave National Park Wilderness-Proposed", numbered in the title one through seven, and dated March 1994 or prior, and which shall be known as the Mojave Wilderness.

(b) POTENTIAL WILDERNESS- Upon cessation of all uses prohibited by the Wilderness Act and publication by the Secretary in the Federal Register of notice of such cessation, potential wilderness, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on map in the Draft Plan entitled "Wilderness Plan Death Valley National Monument", dated January 1988, and which shall be deemed to be a part of the Death Valley Wilderness as designated in paragraph (a)(1). Lands identified in the Draft Plan as potential wilderness shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

SEC. 602. FILING OF MAPS AND DESCRIPTIONS.

Maps and a legal description of the boundaries of the areas designated in section 601 of this title shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior. As soon as practicable after the date of enactment of this title, maps and legal descriptions of the wilderness areas shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, and such maps and legal descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

SEC. 603. ADMINISTRATION OF WILDERNESS AREAS.

The areas designated by section 601 of this title as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provision to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

TITLE VII--MISCELLANEOUS PROVISIONS

SEC. 702. LAND TENURE ADJUSTMENTS.

In preparing land tenure adjustment decisions with the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

SEC. 703. LAND DISPOSAL.

Except as provided in section 406 of this Act, none of the lands within the boundaries of the wilderness or park areas designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District or any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar Acts.

SEC. 704. MANAGEMENT OF NEWLY ACQUIRED LANDS.

Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government, shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

SEC. 705. NATIVE AMERICAN USES AND INTERESTS.

(a) ACCESS- In recognition of the past use of the National Park System units and wilderness areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such park system units and wilderness areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the park system unit or wilderness area in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious Freedom Act", and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).

(b) STUDY- (1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area within and outside the boundaries of the Death Valley National Monument and the Death Valley National Park, as described in title III of this Act.

(2) Not later than 1 year after the date of enactment of this title, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the United States Senate, and the Committee on Natural Resources of the United States House of Representatives on the results of the study conducted under paragraph (1).

SEC. 706. FEDERAL RESERVED WATER RIGHTS.

(a) Except as otherwise provided in section 204 of this Act, with respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 43 U.S.C. 666), commonly referred to as the McCarran Amendment.

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The Federal water rights reserved by this Act are specific to the wilderness area located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

SEC. 707. CALIFORNIA STATE SCHOOL LANDS.

(a) NEGOTIATIONS TO EXCHANGE- Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) for California State School lands or interests therein which are located within the boundaries of

one or more of the wilderness areas or park system units designated by this Act (hereinafter in this section referred to as "State School lands."). The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) PREPARATION OF LIST- Within six months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a list of the following:

(1) State School lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park system units designated by this Act.

(2) Lands within the State of California under the jurisdiction of the Secretary that the Secretary determines to be suitable for disposal for exchange, identified in the following priority--

(A) lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues;

(B) Federal claims in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project; and

(C) any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in the Secretary's discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

(4) The Secretary shall maintain such list and shall annually transmit such list to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives until all of the State School lands identified in paragraph (1) have been acquired.

(c) DISPOSAL OF SURPLUS FEDERAL PROPERTY- (1) Effective upon the date of enactment of this title and until all State School lands identified in paragraph (b)(1) of this section are acquired, no Federal lands or interests therein within the State of California may be disposed of from Federal ownership unless--

(A) the Secretary is notified of the availability of such lands or interest therein;

(B) the Secretary has notified the Commission of the availability of such lands or interests therein for exchange; and

(C) the Commission has not notified the Secretary within six months that it wishes to consider entering into an exchange for such lands or interests therein.

(2) If the Commission notifies the Secretary that it wishes to consider an exchange for such lands or interests therein, the Secretary shall attempt to conclude such exchange in accordance with the provisions of this section as quickly as possible.

(3) If an agreement is reached and executed with the Commission, then upon notice to the head of the agency having administrative jurisdiction over such lands or interests therein, the Secretary shall be vested with administrative jurisdiction over such land or interests therein for the purpose of concluding such exchange.

(4) Upon the acquisition of all State School lands or upon notice by the Commission to the Secretary that it no longer has an interest in such lands or interests therein, such lands or interests shall be released to the agency that originally had jurisdiction over such lands or interests for disposal in accordance with the laws otherwise applicable to such lands or interests.

(d) NO EFFECT ON MILITARY BASE CLOSURES- The provisions of this section shall not apply to the disposal of property under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note) or the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

SEC. 708. ACCESS TO PRIVATE PROPERTY.

The Secretary shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the conservation units and wilderness areas designated by this Act which will provide the owner of such land or interest the reasonable use and enjoyment thereof.

SEC. 709. FEDERAL FACILITIES FEE EQUITY.

(a) POLICY STATEMENT- It is the intent of Congress that entrance, tourism or recreational use fees for use of Federal lands and facilities not discriminate against any State or any region of the country.

(b) FEE STUDY- The Secretary, in cooperation with other affected agencies, shall prepare and submit a report by May 1, 1996 to the Committee on Energy and Natural Resources of the United States Senate, the Committee on Natural Resources of the United States House of Representatives, and any other relevant committees, which shall--

(1) identify all Federal lands and facilities that provide recreational or tourism use; and

(2) analyze by State and region any fees charged for entrance, recreational or tourism use, if any, on Federal lands or facilities in a State or region, individually and collectively.

(c) RECOMMENDATIONS- Following completion of the report in subsection (b), the Secretary, in cooperation with other affected agencies, shall prepare and submit a report by May 1, 1997 to the Committee on Energy and Natural Resources of the United States Senate, the Committee on Natural Resources of the United States House of Representatives, and any other relevant committees, which shall contain recommendations which the Secretary deems appropriate for implementing the congressional intent outlined in subsection (a).

SEC. 710. LAND APPRAISAL.

Lands and interests in lands acquired pursuant to this Act shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 711. DEFINITION.

Any reference to the term "this Act" in titles I through IX shall be deemed to be solely a reference to sections 1 and 2, and titles I through IX.

TITLE VIII--MILITARY LANDS AND OVERFLIGHTS

SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE- This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS- The Congress finds that--

(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

(2) the National Park System units and wilderness areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;

(3) there is a lack of alternative sites available for these military training, testing, and research activities;

(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. MILITARY OVERFLIGHTS.

(a) OVERFLIGHTS- Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

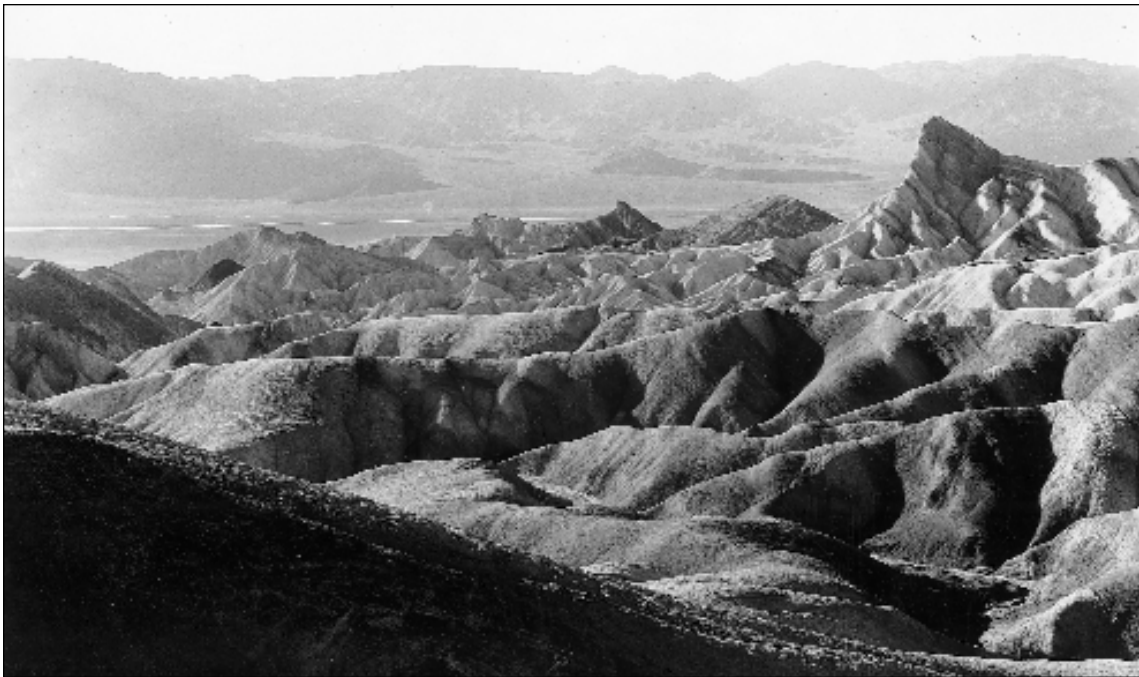
(b) SPECIAL AIRSPACE- Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park system or wilderness units.

(c) NO EFFECT ON OTHER LAWS- Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

TITLE IX--AUTHORIZATION OF APPROPRIATIONS

SEC. 901. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the National Park Service and to the Bureau of Land Management to carry out this Act an amount not to exceed \$36,000,000 over and above that provided in fiscal year 1994 for additional administrative and construction costs over the fiscal year 1995-1999 period, and \$300,000,000 for all land acquisition costs. No funds in excess of these amounts may be used for construction, administration, or land acquisition authorized under this Act without a specific authorization in an Act of Congress enacted after the date of enactment of this Act.



APPENDIX B: TIMBISHA SHOSHONE HOMELAND ACT (P.L. 106-423)

One Hundred Sixth Congress

of the

United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the twenty-fourth day of
January, two thousand

An Act

To provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland,
and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in
Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Timbisha Shoshone Homeland Act".

SEC. 2. FINDINGS.

Congress finds the following:

- (1) Since time immemorial, the Timbisha Shoshone Tribe has lived in portions of California and Nevada. The Tribe's ancestral homeland includes the area that now comprises Death Valley National Park and other areas of California and Nevada now administered by the Bureau of Land Management.
- (2) Since 1936, the Tribe has lived and governed the affairs of the Tribe on approximately 40 acres of land near Furnace Creek in the Park.
- (3) The Tribe achieved Federal recognition in 1983 but does not have a land base within the Tribe's ancestral homeland.
- (4) Since the Tribe commenced use and occupancy of the Furnace Creek area, the Tribe's membership has grown. Tribal members have a desire and need for housing, government and administrative facilities, cultural facilities, and sustainable economic development to provide decent, safe, and healthy conditions for themselves and their families.
- (5) The interests of both the Tribe and the National Park Service would be enhanced by recognizing their coexistence on the same land and by establishing partnerships for compatible land uses and for the interpretation of the Tribe's history and culture for visitors to the Park.
- (6) The interests of both the Tribe and the United States would be enhanced by the establishment of a land base for the Tribe and by further delineation of the rights and obligations of each with respect to the Furnace Creek area and to the Park as a whole.

SEC. 3. PURPOSES.

Consistent with the recommendations of the report required by section 705(b) of the California

Desert Protection Act of 1994 (Public Law 103-433; 108 Stat. 4498), the purposes of this Act are--

- (1) to provide in trust to the Tribe land on which the Tribe can live permanently and govern the Tribe's affairs in a modern community within the ancestral homeland of the Tribe outside and within the Park;
- (2) to formally recognize the contributions by the Tribe to the history, culture, and ecology of the Park and surrounding area;
- (3) to ensure that the resources within the Park are protected and enhanced by--
 - (A) cooperative activities within the Tribe's ancestral homeland; and
 - (B) partnerships between the Tribe and the National Park Service and partnerships involving the Bureau of Land Management;
- (4) to ensure that such activities are not in derogation of the purposes and values for which the Park was established;
- (5) to provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and the Tribe including guided tours, interpretation, and the establishment of a tribal museum and cultural center;
- (6) to provide appropriate opportunities for economically viable and ecologically sustainable visitor-related development, by the Tribe within the Park, that is not in derogation of the purposes and values for which the Park was established; and
- (7) to provide trust lands for the Tribe in 4 separate parcels of land that is now managed by the Bureau of Land Management and authorize the purchase of 2 parcels now held in private ownership to be taken into trust for the Tribe.

SEC. 4. DEFINITIONS.

In this Act:

- (1) PARK- The term "Park" means Death Valley National Park, including any additions to that Park.
- (2) SECRETARY- The term "Secretary" means the Secretary of the Interior or the designee of the Secretary.
- (3) TRIBAL- The term "tribal" means of or pertaining to the Tribe.
- (4) TRIBE- The term "Tribe" means the Timbisha Shoshone Tribe, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations (or any corresponding similar regulation or ruling).
- (5) TRUST LANDS- The term "trust lands" means those lands taken into trust pursuant to this Act.

SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA SHOSHONE HOMELAND.

- (a) IN GENERAL- Subject to valid existing rights (existing on the date of enactment of this Act), all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are declared to be held in trust by the United States for the benefit of the Tribe. All maps referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Land Management.
- (b) PARK LANDS AND BUREAU OF LAND MANAGEMENT LANDS DESCRIBED-

(1) IN GENERAL- The following lands and water shall be held in trust for the Tribe pursuant to subsection (a):

(A) Furnace Creek, Death Valley National Park, California, an area of 313.99 acres for community development, residential development, historic restoration, and visitor-related economic development, depicted as Tract 37 on the map of Township 27 North, Range 1 East, of the San Bernardino Meridian, California, numbered Map #1 and dated December 2, 1999, together with 92 acre feet per annum of surface and ground water for the purposes associated with the transfer of such lands. This area shall include a 25-acre, nondevelopment zone at the north end of the area and an Adobe Restoration zone containing several historic adobe homes, which shall be managed by the Tribe as a tribal historic district.

(B) Death Valley Junction, California, an area of approximately 1,000 acres, as generally depicted on the map entitled "Death Valley Junction, California", numbered Map #2 and dated April 12, 2000, together with 15.1 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(C)(i) Centennial, California, an area of approximately 640 acres, as generally depicted on the map entitled "Centennial, California", numbered Map #3 and dated April 12, 2000, together with an amount of ground water not to exceed 10 acre feet per annum for the purposes associated with the transfer of such lands.

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe's right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

(D) Scotty's Junction, Nevada, an area of approximately 2,800 acres, as generally depicted on the map entitled "Scotty's Junction, Nevada", numbered Map #4 and dated April 12, 2000, together with 375.5 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(E) Lida, Nevada, Community Parcel, an area of approximately 3,000 acres, as generally depicted on the map entitled "Lida, Nevada, Community Parcel", numbered Map #5 and dated April 12, 2000, together with 14.7 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(2) WATER RIGHTS- The priority date of the Federal water rights described in subparagraphs (A) through (E) of paragraph (1) shall be the date of enactment of this Act, and such Federal water rights shall be junior to Federal and State water rights existing on such date of enactment. Such Federal water rights shall not be subject to relinquishment, forfeiture or abandonment.

(3) LIMITATIONS ON FURNACE CREEK AREA DEVELOPMENT-

(A) DEVELOPMENT- Recognizing the mutual interests and responsibilities of the Tribe and the National Park Service in and for the conservation and protection of the resources in the area described in paragraph (1), development in the area shall be limited to--

(i) for purposes of community and residential development--

(I) a maximum of 50 single-family residences; and

(II) a tribal community center with space for tribal offices, recreation facilities, a

multipurpose room and kitchen, and senior and youth facilities;

(ii) for purposes of economic development--

(I) a small-to-moderate desert inn; and

(II) a tribal museum and cultural center with a gift shop; and

(iii) the infrastructure necessary to support the level of development described in clauses (i) and (ii).

(B) EXCEPTION- Notwithstanding the provisions of subparagraph (A)(ii), the National Park Service and the Tribe are authorized to negotiate mutually agreed upon, visitor-related economic development in lieu of the development set forth in that subparagraph if such alternative development will have no greater environmental impact than the development set forth in that subparagraph.

(C) RIGHT-OF-WAY- The Tribe shall have a right-of-way for ingress and egress on Highway 190 in California.

(4) LIMITATIONS ON IMPACT ON MINING CLAIMS- Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have all the rights incident to mining claims, including the rights of ingress and egress on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have the right to occupy and use so much of the surface of the land as is required for all purposes reasonably necessary to mine and remove the minerals from the land, including the removal of timber for mining purposes. Such a mining claim shall terminate when the claim is determined to be invalid or is abandoned.

(c) LEGAL DESCRIPTIONS- Not later than 1 year after the date of enactment of this Act, the Secretary shall file a legal description of the areas described in subsection (b) with the Committee on Resources of the House of Representatives and with the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal description shall have the same force and effect as if the information contained in the description were included in that subsection except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in the legal description. The legal description shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Land Management.

(d) ADDITIONAL TRUST RESOURCES- The Secretary may purchase from willing sellers the following parcels and appurtenant water rights, or the water rights separately, to be taken into trust for the Tribe:

(1) Indian Rancheria Site, California, an area of approximately 120 acres, as generally depicted on the map entitled "Indian Rancheria Site, California" numbered Map #6 and dated December 3, 1999.

(2) Lida Ranch, Nevada, an area of approximately 2,340 acres, as generally depicted on the map entitled "Lida Ranch" numbered Map #7 and dated April 6, 2000, or another parcel mutually agreed upon by the Secretary and the Tribe.

(e) SPECIAL USE AREAS-

(1) IN GENERAL- The areas described in this subsection shall be nonexclusive special use areas for the Tribe, subject to other Federal law. Members of the Tribe are authorized to use these areas for low impact, ecologically sustainable, traditional practices pursuant to a jointly established management plan mutually agreed upon by the Tribe, and by the National Park Service or the Bureau of Land Management, as appropriate. All maps referred to in paragraph (4) shall be on file and available for public inspection in the offices of the National Park Service and Bureau of Land Management.

(2) RECOGNITION OF THE HISTORY AND CULTURE OF THE TRIBE- In the special use areas, in recognition of the significant contributions the Tribe has made to the history, ecology, and culture of the Park and to ensure that the visitor experience in the Park will be enhanced by the increased and continued presence of the Tribe, the Secretary shall permit the Tribe's continued use of Park resources for traditional tribal purposes, practices, and activities.

(3) RESOURCE USE BY THE TRIBE- In the special use areas, any use of Park resources by the Tribe for traditional purposes, practices, and activities shall not include the taking of wildlife and shall not be in derogation of purposes and values for which the Park was established.

(4) SPECIFIC AREAS- The following areas are designated special use areas pursuant to paragraph (1):

(A) MESQUITE USE AREA- The area generally depicted on the map entitled "Mesquite Use Area" numbered Map #8 and dated April 12, 2000. The Tribe may use this area for processing mesquite using traditional plant management techniques such as thinning, pruning, harvesting, removing excess sand, and removing exotic species. The National Park Service may limit and condition, but not prohibit entirely, public use of this area or parts of this area, in consultation with the Tribe. This area shall be managed in accordance with the jointly established management plan referred to in paragraph (1).

(B) BUFFER AREA- An area of approximately 1,500 acres, as generally depicted on the map entitled "Buffer Area" numbered Map #8 and dated April 12, 2000. The National Park Service shall restrict visitor use of this area to protect the privacy of the Tribe and to provide an opportunity for the Tribe to conduct community affairs without undue disruption from the public.

(C) TIMBISHA SHOSHONE NATURAL AND CULTURAL PRESERVATION AREA- An area that primarily consists of Park lands and also a small portion of Bureau of Land Management land in California, as generally depicted on the map entitled "Timbisha Shoshone Natural and Cultural Preservation Area" numbered Map #9 and dated April 12, 2000.

(5) ADDITIONAL PROVISIONS- With respect to the Timbisha Shoshone Natural and Cultural Preservation Area designated in paragraph (4)(C)--

(A) the Tribe may establish and maintain a tribal resource management field office, garage, and storage area, all within the area of the existing ranger station at Wildrose (existing as of the date of enactment of this Act);

(B) the Tribe also may use traditional camps for tribal members at Wildrose and Hunter Mountain in accordance with the jointly established management plan referred to in paragraph (1);

(C) the area shall be depicted on maps of the Park and Bureau of Land Management that are provided for general visitor use;

(D) the National Park Service and the Bureau of Land Management shall accommodate access by the Tribe to and use by the Tribe of--

(i) the area (including portions described in subparagraph (E)) for traditional cultural and religious activities, in a manner consistent with the purpose and intent of Public Law 95-341 (commonly known as the "American Indian Religious Freedom Act") (42 U.S.C. 1996 et seq.); and

(ii) areas designated as wilderness (including portions described in subparagraph (E)), in a manner consistent with the purpose and intent of the Wilderness Act (16 U.S.C. 1131 et seq.); and

(E)(i) on the request of the Tribe, the National Park Service and the Bureau of Land Management shall temporarily close to the general public, 1 or more specific portions of the area in order to protect the privacy of tribal members engaging in traditional cultural

and religious activities in those portions; and

(ii) any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described in clause (i).

(f) ACCESS AND USE- Members of the Tribe shall have the right to enter and use the Park without payment of any fee for admission into the Park.

(g) ADMINISTRATION- The trust lands shall constitute the Timbisha Shoshone Reservation and shall be administered pursuant to the laws and regulations applicable to other Indian trust lands, except as otherwise provided in this Act.

SEC. 6. IMPLEMENTATION PROCESS.

(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS- In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act, the National Park Service, the Bureau of Land Management, and the Tribe shall enter into government-to-government consultations and shall develop protocols to review planned development in the Park. The National Park Service and the Bureau of Land Management are authorized to enter into cooperative agreements with the Tribe for the purpose of providing training on the interpretation, management, protection, and preservation of the natural and cultural resources of the areas designated for special uses by the Tribe in section 5(e)(4).

(b) STANDARDS- The National Park Service and the Tribe shall develop mutually agreed upon standards for size, impact, and design for use in planning, resource protection, and development of the Furnace Creek area and for the facilities at Wildrose. The standards shall be based on standards for recognized best practices for environmental sustainability and shall not be less restrictive than the environmental standards applied within the National Park System at any given time. Development in the area shall be conducted in a manner consistent with the standards, which shall be reviewed periodically and revised as necessary.



Appendix C. Record of Decision

UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

RECORD OF DECISION

GENERAL MANAGEMENT PLAN ABBREVIATED FINAL ENVIRONMENTAL IMPACT STATEMENT

Death Valley National Park California/Nevada

The Department of the Interior, National Park Service, has prepared this Record of Decision on the *Final General Management Plan/Abbreviated Final Environmental Impact Statement* for Death Valley National Park. This Record of Decision includes a description of the background of the planning effort, a description of the decision made, synopses of other alternatives considered, the basis for the decision, findings on impairment of park resources and values, a description of the environmentally preferable alternative, a listing of measures to minimize environmental harm, and an overview of public and agency involvement in the decision-making process.

BACKGROUND OF THE PROJECT

The impetus for this planning effort was the passage of the California Desert Protection Act (CDPA) on October 31, 1994. This act transferred over 3 million acres of the California desert from the Bureau of Land Management (BLM) to the National Park Service (NPS) and designated nearly 8 million acres of wilderness on NPS and BLM lands. In addition, the CDPA redesignated Death Valley and Joshua Tree National Monuments as national parks and created Mojave National Preserve. Changes in the management of the public lands in the California desert, including listing of the desert tortoise, increasing development, public use pressures, and passage of the California Desert Protection Act, caused NPS, BLM, and U.S. Fish and Wildlife Service (FWS) desert managers to address the anticipated changes in management of these federal lands through the development of updated or new management plans.

The significant expansion of Death Valley National Park (formerly Monument) with 1.3 million additional acres and the designation of over 95% of the park's lands as legal wilderness created a clear need for the development of a new general management plan (GMP) to update and replace a 1989 GMP written for the Monument. This general management plan will serve as the overall management strategy for the next 10-15 years. The general management plan is the "blueprint" under which more detailed activity or implementation plans are prepared. A general management plan is general rather than specific in nature, and focuses on purposes of the unit, its significant attributes, the overall mission of the agency, what activities are appropriate within these constraints, and resource protection strategies. It also provides guidelines for visitor use and development of facilities for visitor enjoyment and administration of the park. The goal of the general management plan is to determine how best to manage the unit to meet the Congressional intent as expressed in the CDPA and the mission of the National Park Service. It was the stated intention of this planning effort to explore only alternatives that would result in an implementable management plan for the park. Alternatives that would require legislation before they could be implemented, or are contrary to specific Congressional direction or National Park Service regulations or policy, or require vast sums of funding to implement, would create unreasonable expectations on the part of the public and would not serve the need of creating an implementable management plan for this unit. Therefore, only alternatives that explore the range of options for managing uses mandated by Congress were evaluated.

The development of this general management plan began in 1995 with the selection of a planning team, which was stationed at Mojave National Preserve headquarters in Barstow, California. The Notice of Intent for this effort was published in the *Federal Register* on September 5, 1995, announcing the beginning of the planning process. The planning team conducted 20 public scoping meetings in September

1995 and April 1997 to gather public input on the management direction for the parks and BLM lands. In addition, a number of agency scoping meetings were held. From this input and meetings with interested parties (such as county departments, special interest groups, state agencies, Native American tribes, etc.) and discussions with NPS and BLM staff, proposed management plans were developed.

In September 1998 the first *Death Valley National Park Draft Environmental Impact Statement / General Management Plan* (DEIS/GMP) was released for public review. Approximately 450 printed copies of the DEIS / GMP were distributed for review. In addition, about 100 CD-ROMs were also sent. The entire draft plan was also posted on the internet with links from the park's homepage and the Northern and Eastern Mojave planning page. The notice of availability for the DEIS was published in the *Federal Register* by the Environmental Protection Agency on September 11, 1998 (FR 48727). Written comments were accepted from September 11, 1998, through January 15, 1999, a period of 127 days. Eleven public meetings were held in October 1998 throughout the planning region of southern California and southern Nevada. In addition, the planning team attended and participated in numerous meetings of the Death Valley Advisory Commission to obtain their feedback, concerns, and direction regarding the development of the general management plan. Death Valley received approximately 600 comment letters from government agencies, tribes, interest groups, and individuals. In addition, members of environmental groups (National Parks and Conservation Association, The Sierra Club, and The Wilderness Society) sent in approximately 1,800 identical postcards. Several additional letters and postcards were received after the closing date for public comments.

Due to the large number of substantial changes required as a result of public comment on the 1998 draft, the National Park Service decided to rewrite the draft document. In September 2000, a *Revised Draft Environmental Impact Statement / General Management Plan* was released for 92 days of public review. Responses to written public comments on the 1998 draft plan were addressed in a separately bound report. A notice of availability was published in the *Federal Register* by the Environmental Protection Agency on September 6, 2000 (FR 54062-54064). Eleven more public meetings on the revised draft plan were held in southern California and southern Nevada during October and November 2000. During the public comment period, a total of 47 written comments were received. All substantive comments on the 1998 DEIS were addressed in a separate document that was made available concurrent with the revised DEIS/GMP.

After consideration of substantive public comments on the revised DEIS/GMP, the National Park Service decided to prepare an *Abbreviated Final Environmental Impact Statement / General Management Plan*, dated June 2001. The abbreviated format for the final environmental impact statement and general management plan has been used because the changes to the revised draft document are minor and confined primarily to factual corrections, which do not modify the analysis. Use of this format is in compliance with the 1969 National Environmental Policy Act regulations (40 CFR 1503.4[c]). This abbreviated format requires that the material in this document be integrated with the *Revised Draft Environmental Impact Statement / General Management Plan* to describe the final plan, its alternatives, all significant environmental impacts, and the public comments that have been received and evaluated.

DECISION (SELECTED ACTION)

The National Park Service will implement Alternative 1, the **proposed action**, described in the *Revised Draft Environmental Impact Statement and General Management Plan*, dated July 2000, as amended by the *Abbreviated Final Environmental Impact Statement and General Management Plan*, dated June 2001. Following the signing of this Record of Decision, the NPS will print the final General Management Plan as a stand-alone document, which will be used by park staff as a "blueprint" for managing the park over the next 10-15 years. The selected alternative is the agency preferred alternative and the environmentally preferred alternative as documented in the *Abbreviated Final Environmental Impact Statement and General Management Plan*, dated June 2001.

This proposed plan represents the best mix of actions, policies, and strategies for the management of Death Valley National Park, given the varying mandates and diverse public opinion. The proposed general management plan envisions Death Valley National Park as a natural environment and a cultural landscape (an arid ecosystem overlain by many layers of human occupation and use from prehistoric to historic to the present time), where the protection of native desert ecosystems and processes is assured for future generations. The protection and perpetuation of native species in a self-sustaining environment is a primary long-term goal. The plan seeks to manage the park to perpetuate the sense of discovery and adventure that currently exists. This means limiting new development inside the park. The

management plan envisions adjacent "gateway" communities as providing increased support services (food, gas, and lodging) for visitors. The plan also seeks to retain current opportunities for roadside camping, backcountry camping, and access to the backcountry via existing primitive roads, consistent with the NPS mission. The plan calls for extending the current park management strategies and policies to the new park lands and putting in place the necessary planning and management components to adequately address the wilderness designation of 95% of the park lands. The plan also fulfills the NPS mission of resource preservation and provision of visitor services while achieving other mandates from Congress. The proposal also states a goal of seeking funding to purchase private property within the park from willing sellers.

OTHER ALTERNATIVES CONSIDERED

In addition to the proposal, other alternatives considered include existing management and an optional management approach. The existing management alternative (**Alternative 2**) describes the continuation of current management strategies. It is commonly referred to as the **no-action or status quo** alternative. It provides a baseline from which to compare other alternatives, to evaluate the magnitude of proposed changes, and to measure the environmental effects of those changes. This no action concept follows the guidance of the Council on Environmental Quality, which describes the No Action Alternative as no change from the existing management direction or level of management intensity. These actions are typically referred to as the status quo, or the No Action alternative (since this is what would occur if the agency took no further action to adopt a new general management plan). It does not mean that no agency management actions would be taken. Death Valley National Park would continue managing the park according to policies and strategies identified in the 1989 General Management Plan. Other management practices would be accomplished according to applicable federal regulations, NPS servicewide management policies, and subject specific reference manuals and guidelines (see Policy and Planning section).

Under the No Action alternative, the park would follow the existing 1983 Proposed Natural and Cultural Resource Management Plan and Final EIS. Existing staff are now working on inventory and monitoring of natural and cultural resources in *all* park lands according to the existing plan and NPS policies. This work includes monitoring and inventorying cultural and natural resources, monitoring regional water rights, addressing historic mining hazards, removing feral burros, preparing an annual strategic plan, and monitoring air quality. Many of these resource actions in the new park lands are reactive to concerns that have arisen rather than part of an ongoing comprehensive program that is planned and funded. Existing visitor and administrative support services and facilities are being maintained in their current locations and several improvements to these facilities have been made (updated water systems, new vault toilets, new picnic tables, etc.). There have been numerous infrastructure repairs and stabilizations to existing structures. Maintenance of the park roads in the new park lands has added a significant burden to the maintenance and visitor protection staff with little or no additional park funding. No significant changes in existing recreation use would occur under this alternative. Efforts would continue to obtain funding for acquisition of property from willing sellers and for properties where development is potentially detrimental to the integrity of the park or otherwise incompatible with the CDPA.

The optional approach (**Alternative 3**) is similar to the proposed action, except as discussed below. This alternative identifies the closing and restoration to a natural condition of the Chicken Strip airstrip at Saline Valley. This action would adversely affect those people who visit the area by airplane. This alternative also proposes closing the historic Emigrant campground because of potential flood hazards. All areas within the Eureka-Saline wilderness road corridor would be open for roadside camping. Designated car camping sites would be established in the area of the Saline Valley warm springs.

BASIS FOR DECISION

The proposed general management plan provides overall direction for the management of park resources, facilities and development, and use of the Park. Alternative 1 presents a logical, systematic and proactive approach to management of the Park in compliance with NPS laws, regulations and policies.

The rationale for selection of this alternative over the no action (Alternative 2) is based on the environmental impacts that would be lessened by seeking funds and implementing activities identified in the proposed plan. Public opinion also helped formulate the NPS preferred approach over Alternative 3. In particular, preserving the natural quiet and sounds associated with the physical and biological resources of the park, management of wilderness for maximum statutory protection as afforded by the California

Desert Protection Act, the funding of the full removal of feral burros and interpretive information to educate the public on desert ecosystems and protection measures were identified as key issues for the park to address.

Protection and Enhancement of Natural and Cultural Resources

The proposed general management plan identifies proactive goals and strategies to inventory, document and, where possible, protect the air quality, visibility, night sky, and natural ambient sound. These resources are key elements of the desert environment that are critical to an enjoyable visit to Death Valley. The plan also strives to protect water resources and water rights by seeking to restore damaged natural water sources and protect of groundwater. The plan also proposes to inventory, preserve, and protect paleontological, geological, cave, and soil resources. Research would be encouraged to learn means by which enhanced protection could be accomplished. These proactive strategies would also yield valuable interpretive and scientific data. The plan also provides an extensive description of the NPS responsibilities regarding cultural resource protection and management and lays out a thorough program to meet each of these responsibilities.

Alternative 1 provides a more proactive approach to perpetuate native plant life (such as vascular plants, ferns, mosses, algae, fungi, and bacteria) as critical components of natural desert ecosystems. The plan also proposes to inventory all native plants and wildlife and seeks to restore disturbed ecosystems, enhance habitat for sensitive species, eliminate exotic species where feasible, and establish monitoring programs to serve as early warning systems for health of the system. Two key components of the natural resource protection strategy include the removal of exotic feral burros and recovery strategies for the Devils Hole pupfish and endangered and threatened species associated with the Eureka Dunes system.

Enhance Visitor Experience

Alternative 1 provides for enhanced interpretation of key subjects in Death Valley including geological processes and geographical relationships; the historical, prehistoric, and Native American record; and desert ecosystems. Certain cultural resource sites that are easily accessible and historically important would be treated as significant interpretive stops for the visiting public. The park would continue to seek additional ways to improve the living history program or other methods of interpreting Scottys Castle. Working with the Timbisha tribe, the interpretation of prehistoric and contemporary Native American cultures would be integrated into parkwide interpretive themes, focusing on human adaptation to the desert environment. To ensure the protection of especially fragile natural and cultural values, resource management specialists, interpretive planners, and designers would work together to develop ways for visitors to see the resources without causing unacceptable damage.

Alternative 1 would emphasize providing interpretative and orientation information to visitors prior to their arrival in the park through a variety of methods including informational kiosks and entrance stations at key locations on the park's boundaries. The park would also emphasize contacts through the internet and the park's website, brochures, satellite information centers, and other emerging technology.

The park will seek out and foster partnerships with local communities and interest groups to develop support for the park and its mission. These partnerships should further outreach and education for the park, lend support to resource initiatives, and generate funding for park needs such as renovation of the outdated park visitor center.

Provide Effective Operations

Alternative 1 would support moving some administrative, resource management, and visitor services out of the park to neighboring communities. This would not impact the limited resources and infrastructure within the park such as water, sewage, and other infrastructure already in place. Alternative 1 also supports the removal of trailers from the park and there would be no replacement of permanent trailers for park housing within the park. The Northern Death Valley Implementation Plan would deal with replacement of housing currently situated at Grapevine to an area outside of the park. This alternative supports the mission of the park and service rather than Alternative 2 which would continue to locate administrative and operational functions within the park with associated development and impact to park resources and lands.

In summary, Alternative 1 includes the most actions that are major and beneficial to the natural

resources of Death Valley more beneficial to cultural resources than other alternatives. This alternative additionally provides the greatest opportunities for visitor enjoyment, appreciation, and learning opportunities regarding park resources. It is also the most responsive alternative to public input received during scoping and alternative development.

FINDINGS ON IMPAIRMENT OF PARK RESOURCES AND VALUES

The National Park Service may not allow the impairment of park resources and values unless directly and specifically provided for by legislation or by the proclamation establishing the park. Impairment that is prohibited by the National Park Service Organic Act and the General Authorities Act is an impact that, in the professional judgement of the responsible National Park Service manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. (NPS Management Policies 2001).

In determining whether impairment may occur, park managers consider the duration, severity, and magnitude of the impact; the resources and values affected; and direct, indirect, and cumulative effects of the action. According to National Park Service Policy, "An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is: a) Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; b) Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or c) Identified as a goal in the park's general management plan or other relevant National Park Service planning documents." (NPS Management Policies, 2001).

This policy does not prohibit impacts to park resources and values. The National Park Service has the discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impacts do not constitute impairment. Moreover, an impact is less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values.

Human activity and past development have resulted in the ongoing disruption of natural systems and processes in Death Valley National Park for generations. The No Action alternative would result in future unplanned and uncoordinated actions that are merely reactive to immediate concerns. Furthermore, these actions would likely be responsive to immediate, short-term, adverse impacts that demand attention, but may result in long term impairment to park values and resources. Thus, the ability of the public to experience, understand, appreciate, and enjoy Death Valley National Park could be impaired under the No Action alternative.

The National Park Service has determined that implementation of Alternative 1 will not constitute an impairment to Death Valley National Park's resources and values. This conclusion is based on a thorough analysis of the environmental impacts described in the *Revised Draft EIS/GMP*, the *Abbreviated Final EIS/GMP*, the public comments received, relevant scientific studies, and the professional judgement of the decision-maker guided by the direction in NPS Management Policies, section 1.4. While the plan has some minor negative impacts, in all cases these adverse impacts are the result of proactive strategies intended to implement the NPS mission, policies, and regulations in the management of Death Valley National Park. None of the proposals would result in impacts that would impair the integrity of park resources or values, including opportunities that would otherwise be present for the enjoyment of those resources or values. Overall, the plan results in major benefits to park resources and values and opportunities for their enjoyment; it does not result in their impairment.

The actions comprising Alternative 1 will achieve the goals of the CDPA and NPS management policies (which include protecting and enhancing the natural and cultural resources of Death Valley and providing opportunities for high-quality, resource-based visitor experiences) in a comprehensive, integrated manner that takes into account the interplay between resource protection and visitor use. Actions implemented under Alternative 1 that would cause overall negligible adverse impacts, minor adverse impacts, short term impacts, and beneficial impacts to park resources and values, as described in the *Revised Draft EIS/GMP* and the *Abbreviated Final EIS/GMP*, will not constitute impairment. This is because these impacts have limited severity and/or duration and will not result in appreciable irreversible commitments of resources. Beneficial effects identified during the NEPA process include effects related to removal of exotic burros and protecting threatened park resources and values. Beneficial effects do not constitute impairment.

The collective actions discussed in Alternative 1 are proposed as a means of managing Death Valley National Park in a manner that would result in a protected native desert ecosystem that functions without interference from human activities, while allowing visitor use and Congressionally mandated resource consumptive activities. While some of these activities may seem contrary to the NPS preservation mission (e.g. grazing, mining), Congress specifically provides for these activities (under NPS regulation) in Death Valley in the California Desert Protection Act. These activities may only be allowed subject to other applicable laws and regulations. This proposal outlines management strategies for these activities, and others, that would be implemented to minimize potential impacts from these activities to levels below the threshold of impairment. For example, all future mining operations would be required to undergo NPS review and impact analysis under 36 CFR Part 9, Subpart A. A grazing management plan would be developed to manage the one remaining cattle grazing permit so that park resources are protected. The proposed actions included in this alternative would establish an overall management approach that would allow activities to occur in the park without impairing the integrity of park resources or values, including opportunities that would otherwise be present for the enjoyment of those resources or values.

In conclusion, the National Park Service has determined that the implementation of Alternative 1 will not constitute impairment of park resources and values in Death Valley National Park.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

Environmentally preferable is defined as "the alternative that will promote the national environmental policy as expressed in the National Environmental Policy Act's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources" (Forty Most Asked Questions Concerning Council on Environmental Quality's National Environmental Policy Act Regulations, 1981).

The goals characterizing the environmentally preferable condition are described in Section 101 of the National Environmental Policy Act (NEPA). NEPA Section 101 states that "...it is the continuing responsibility of the Federal Government to ... (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; (2) assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings; (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice; (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources." The environmentally preferable alternative for the *Death Valley National Park General Management Plan* is based on these national environmental policy goals.

Alternative 1

This alternative will realize each of the provisions of the national environmental policy goals stated in NEPA Section 101. Alternative 1 will protect and enhance natural and cultural resources by laying out strategies, planning, inventorying, and monitoring, and restoring disturbed ecosystems and historic resources. These actions will further the goals of NEPA Section 101 by attaining the widest range of beneficial uses of the environment without degradation, and by preserving important resources and maintaining a variety of individual choice for visitors to Death Valley. Alternative 1 implements recovery measures for the threatened Devils Hole pupfish, protection and recovery measures for the Eureka Dunes system and associated critical habitat, the protection of the desert tortoise, fully removes exotic feral burros, and presents strategies for management of grazing and mining. Alternative 1 also best reflects the expressed interests of the public in limiting development in Death Valley that would detract from the setting and sense of self-discovery and adventure that currently exists. In aggregate, the environmental restoration and alternative elements and features of Alternative 1 will most fully attain the goals outlined in NEPA Section 101.

Alternative 2

This alternative represents the current management direction with no dramatic or comprehensive

changes taking place in the management of Death Valley National Park. Alternative 2 would not result in the same level of environmental protection and restoration for natural and cultural resources as the other alternatives. Management of the park without an overall strategy as in the other alternatives would result in reactive management of natural and cultural resources, including highly valued sensitive and nationally significant resources. Failing to be proactive may result in Alternative 2 not fully achieving provisions 1, 3, 4, and 5 of Section 101 of NEPA. Compared to the action alternatives, the No Action alternative would be least effective in achieving the goals of NEPA, as described in Section 101, in that it would have the narrowest range of beneficial uses that would occur without degradation of natural and cultural resources in Death Valley.

Alternative 3

This alternative would be nearly as effective as Alternative 1 in realizing the provisions of the national environmental policy goals in Section 101 of NEPA. The primary differences are in the removal and restoration of the Chicken Strip airstrip in Saline Valley, the designation of campsites at Saline Valley, and allowing roadside camping along the Eureka-Saline wilderness road corridor. These actions could result in adverse impacts on archeological and ethnographic resources. Overall, the negative impacts of selecting Alternative 3 would be slightly higher than those described under Alternative 1.

Summary

The National Park Service has determined that the environmentally preferable alternative is Alternative 1. In aggregate, Alternative 1 best achieves the six conditions prescribed under Section 101 of NEPA. While some of the actions in other alternatives may be similar to Alternative 1 in their effect and consequence, Alternative 1: (1) provides the highest level of protection of natural and cultural resources while concurrently attaining the widest range of beneficial uses of the environment without degradation; (2) maintains an environment that supports diversity and variety of individual choice; and (3) integrates resource protection with opportunities for an appropriate range of visitor uses.

MEASURES TO MINIMIZE ENVIRONMENTAL HARM

The National Park Service has investigated all practical means to avoid or minimize environmental impacts that could result from implementation of the selected action. The measures have been incorporated into Alternative 1 and are presented in the *Revised Draft EIS/GMP* and *Abbreviated Final EIS/GMP*.

A consistent set of mitigation measures would be applied to actions that result from this plan (see Appendix E in Revised DEIS/GMP). Monitoring and enforcement programs will oversee the implementation of mitigation measures. These programs will assure compliance monitoring, biological and cultural resource protection, traffic management, noise and dust abatement, noxious weed control, pollution prevention measures, visitor safety and education, and other mitigation measures.

Mitigation measures will also be applied to future actions that are guided by this plan. In addition, the National Park Service will prepare appropriate compliance reviews (i.e., National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, and other relevant legislation) for these future actions.

PUBLIC AND INTERAGENCY INVOLVEMENT

The Notice of Intent for this effort was published in the *Federal Register* (FR 46132) on September 5, 1995, announcing the beginning of the planning process. Throughout the planning process, the planning team gathered public input on issues, proposed actions, and alternatives. The scoping process included meetings, public workshops, Advisory Commission meetings, newsletters, and the development of a homepage. These were used to identify the issues, alternatives, and impact topics to be considered for planning and to keep the public informed and involved throughout the planning process.

Scoping

The planning team conducted 20 public scoping meetings in September 1995 and April 1997 to gather public input on the management direction for the parks and BLM lands. In addition, a number of agency scoping meetings were also held. From this input and meetings with interested parties (such as county departments, special interest groups, state agencies, Native American tribes, etc.) and discussions with NPS and BLM staff, proposed management plans were developed.

On August 31, 1995, a public notice describing the purpose of the planning effort was mailed to the public, media, agencies, and other organizations on the Bureau of Land Management California Desert District's mailing list (about 6,000 names). The schedule for the first round of public scoping meetings was included in the notice. The formal public scoping period for the planning effort began with the September 5, 1995, *Notice of Intent* to prepare an environmental impact statement. Public scoping workshops were held from September 21 through 27, 1995, at 10 locations throughout the planning area and in nearby areas where users live. These workshops were held in Pasadena, San Bernardino, Barstow, Baker, Needles, Ridgecrest, Independence, Lone Pine, and Furnace Creek, California, and in Las Vegas and Amargosa Valley, Nevada. About 250 people attended the workshops. These workshops were used to identify issues and concerns that the team should address in preparing a management plan for the area.

Newsletters and Website

The first newsletter in February 1996 was sent to about 6,000 names on the Bureau of Land Management mailing list for the California desert. It included a summary of planning issues identified at the public meetings and statements of purpose and significance for Death Valley National Park, Mojave National Preserve, and BLM-managed lands within the planning area. The original mailing list was subsequently replaced with a planning project mailing list developed from agency lists and scoping participation.

In late April 1997, a second newsletter was sent out to about 500 names on the Northern and Eastern Mojave Planning Effort mailing list to inform the public that there would be a second round of scoping workshops to discuss alternatives. It contained a planning update, a schedule of alternative scoping workshops, general descriptions of conceptual alternatives, and an outline of issues for which alternatives could be developed. The newsletter was also posted on the homepage. Both newsletters included a one-page mail-back form for receiving comments. A press release was mailed to local media in and near the planning area. Some local newspapers and radio stations informed the public about the workshops. The schedule for these workshops was included in this notice and on the Northern and Eastern Mojave Planning Effort homepage. Ten public workshops were held from April 14 through 24, 1997 at Las Vegas, Nevada, and in Needles, Furnace Creek, Bishop, Lone Pine, Barstow, Pasadena, San Bernardino, Baker, and Ridgecrest, California. Each workshop began with a 20-minute presentation about the planning effort given by Northern and Eastern Mojave Planning Effort team leader Dennis Schramm. After the presentation the team would set up three stations for natural and cultural resources, land use, and visitor experience. At these stations, the team gathered comments and alternatives and wrote them down on the flipcharts. About 330 people attended the workshops.

In February 1997, a website for the three California desert planning efforts (West Mojave, Northern and Eastern Colorado, and Northern and Eastern Mojave) went online on the BLM California server. It contained detailed information about each planning effort, background information about the Mojave Desert and the desert tortoise, pertinent legislation and maps and photographs. In April 1998 the Northern and Eastern Mojave Planning Effort homepage was moved to the NPS server so that the planning team would have direct access. The link to this homepage is posted on the internet at www.nps.gov/moja/planning/nemo.htm.

A third newsletter was sent out to the public in April 1998 to update readers on the planning effort. The newsletter explained that three separate draft environmental impact statements for each area (Death Valley National Park, Mojave National Preserve, and the BLM public lands within the Northern and Eastern Mojave planning area) would be produced instead of one comprehensive draft environmental impact statement. A revised planning schedule and comment form for receiving the documents were also provided in the newsletter. This newsletter also served as the initial announcement that a draft EIS/GMP would be released shortly and sought input from the list regarding preferences on receipt of the draft document. The document was available in printed form, at public libraries and agency offices, over the Internet, or on CD-ROM.

In August 2000, the fourth planning newsletter was sent to the planning mailing list (about 3,500) announcing release of the revised draft EIS/GMP. This newsletter provided a list of locations and dates for eleven scheduled public workshops and locations where the document could be viewed at public libraries and agency offices. It also announced the intended 90-day public review period. This initial review period was eventually extended to 127 days.

In June 2001, the fifth planning newsletter was sent to the planning mailing list (about 3,600) announcing release of an *Abbreviated Final EIS/GMP*. This newsletter provided some background data on the planning effort and other information about how to obtain copies of the document or where to view it (online or at public libraries and agency offices). It also explained the 30-day no action period.

Agency and Native American Consultation

An interagency meeting was held in Barstow, California on August 23, 1995, to discuss the issues to be addressed in this planning effort. Forty-three staff attended the meeting from the National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service.

The NPS sent a letter formally notifying the California and Nevada State Historic Preservation Officers (SHPO) in April 1996 of the planning effort. A response letter offering suggestions was received from the state historic preservation officer in May 1996. A planning team member met briefly with the state historic preservation officer in June 1996 and offered a briefing on the planning effort. Participation by the SHPO after that point was by comment letter. A final letter was sent to the SHPO on June 21, 2001 seeking their concurrence with the proposed action as expressed in the *Abbreviated Final Environmental Impact Statement/General Management Plan*.

Following public alternative scoping workshops in April 1997, a two-day interagency meeting was held in Barstow, California to discuss the alternatives and comments heard at the workshops. Twenty-eight staff members from the National Park Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service, the California State Parks, and San Bernardino County attended the two-day meeting. Comments were gathered on the first day and alternatives were developed on the second day.

On March 7, 1996, Team Leader Dennis Schramm, Death Valley National Park Superintendent Dick Martin, and Cultural Resources Specialist Linda Greene met with representatives of the Timbisha Shoshone Tribe at Death Valley. A follow-up meeting with tribal leaders was held at their offices in Death Valley on April 28, 1997. The purpose of these meetings was to initiate government-to-government relationships for the planning effort. The tribe was briefed on the scope and status of the planning effort and discussed issues.

Extensive government-to-government consultations have been conducted with the Timbisha Shoshone Tribe regarding land use matters. These consultations have resulted in the "Timbisha Shoshone Homeland" draft report (1999), the *Draft Legislative Environmental Impact Statement, Timbisha Shoshone Homeland* (2000) and a *Final Legislative Environmental Impact Statement - Timbisha Shoshone Homeland* (November 2000). On November 1, 2000, the Timbisha Shoshone Homeland Act was established with the signing of Public Law 106-423.

An intertribal meeting of the Fort Mohave, Timbisha Shoshone, Chemehuevi, and San Manuel tribes was held on July 11, 1997, at the Fort Mohave Reservation's Avi Hotel and Casino in the Laughlin, Nevada area. The purpose of the meeting was to discuss Native American issues and alternatives. Invitation letters were sent to 13 tribal offices and to NPS and BLM staff. Seven representatives for the tribes and nine agency staff attended the meeting. Mr. William "Bill" Mungary (an intertribal leader) facilitated the meeting.

The Endangered Species Act of 1973, as amended (16 USC 1531 et seq.), requires all federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) to ensure that any action authorized, funded, or carried out by the agency does not jeopardize the continued existence of listed species or critical habitat. The National Park Service signed a Project Agreement at the beginning of the planning effort with the BLM and USFWS. USFWS initially provided a staff biologist to the planning team who prepared the list of species that might be potentially affected by the proposed action. On August 28, 1998, the NPS submitted a letter to the USFWS Ventura, California Field Office and on June 15, 1999, the NPS submitted a letter to the USFWS Reno, Nevada Field Office requesting initiation of consultation on the proposed action as identified in the 1998 draft EIS/GMP. The DEIS was submitted with the request in lieu of a biological assessment. In February 2000, the NPS notified the USFWS that it wanted to re-initiate its consultation and advised them that they were preparing a revised DEIS/GMP. On January 31, 2001 the park notified USFWS in Ventura it wanted to amend its earlier request to initiate consultation. In this letter the park advised USFWS of its conclusion in the revised DEIS of a "may effect, but not adversely effect" for any listed species, and asked for their concurrence. The USFWS notified the park in July 2001 that they could not concur with this conclusion, and that they would

instead issue a biological opinion. The USFWS - Ventura, California and USFWS - Reno, Nevada acknowledged our request to re-initiate consultation in a letter dated **April 25, 2000**. On July 24, 2001, the USFWS, Ventura, California signed a Biological Opinion (1-8-00-F-326) regarding the federally threatened desert tortoise (*Gopherus agassizii*) and the endangered southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), Eureka Valley evening-primrose (*Oenothera californica* spp. *Eurekensis*), and Eureka Valley dune grass (*Swallenia alexandrae*). On August 14, 2001, the USFWS, Reno, Nevada signed a Biological Opinion (1-5-99-F-455) regarding the endangered Devils Hole pupfish (*Cyprinodon diabolis*) on the *Abbreviated Final EIS/GMP*.

Public Workshops and Comment Opportunities

In September 1998 the first *Death Valley National Park Draft Environmental Impact Statement / General Management Plan* (DEIS/GMP) was released for public review and comment. Approximately 450 printed copies of the DEIS / GMP were distributed for review. In addition, about 100 CD-ROMs were also sent. The entire draft plan was also posted on the Internet with links from the park's homepage and the Northern and Eastern Mojave planning page. The notice of availability for the DEIS was published in the *Federal Register* by the Environmental Protection Agency on September 11, 1998 (FR 48727). Written comments were accepted from September 11, 1998, through January 15, 1999, a period of 127 days. Eleven public meetings were held in October 1998 throughout the planning region of southern California and southern Nevada. In addition, the planning team attended and participated in numerous meetings of the Death Valley Advisory Commission to obtain their feedback, concerns, and direction regarding the development of the general management plan. Death Valley received approximately 600 comment letters from government agencies, tribes, interest groups, and individuals. In addition, members of environmental groups (National Parks and Conservation Association, The Sierra Club, and The Wilderness Society) sent in approximately 1,800 identical postcards. Several additional letters and postcards were received after the closing date for public comments.

Due to the large number of substantial changes required as a result of public comment on the 1998 draft, the National Park Service decided to rewrite the draft document. In September 2000, a *Revised Draft Environmental Impact Statement / General Management Plan* was released for 92 days of public review. Responses to written public comments on the 1998 draft plan were addressed in a separately bound report. A notice of availability was published in the *Federal Register* by the Environmental Protection Agency on September 6, 2000 (FR 54064-54065). Eleven more public meetings on the revised draft plan were held in southern California and southern Nevada during October and November 2000. During the public comment period, a total of 202 written comments were received. All substantive comments were addressed in a separate document that was made available concurrent with the revised DEIS/GMP.

After consideration of substantive public comments on the revised DEIS/GMP, the National Park Service decided to prepare an *Abbreviated Final Environmental Impact Statement / General Management Plan* (FEIS/GMP), dated June 2001. A Notice of Availability announcing the release of this document was published in the *Federal Register* by the Environmental Protection Agency on June 22, 2001 (FR 33538). The abbreviated format was used because the changes to the revised draft document are minor and confined primarily to factual corrections, which do not modify the analysis. Use of this format is in compliance with the 1969 National Environmental Policy Act regulations (40 CFR 1503.4[c]). This abbreviated format requires that the material in this document be integrated with the *Revised Draft Environmental Impact Statement / General Management Plan* to describe the final plan, its alternatives, all significant environmental impacts, and the public comments that have been received and evaluated.

The park received five comment letters during the 30-day no-action period following the release of the *FEIS/GMP*. The comments expressed opinions and have already been addressed in the abbreviated *FEIS/GMP*. The park will respond to the following comments that were of substantive nature but will not change the language and content of the *FEIS/GMP*. The park received a comment that states: close the Titus Canyon road during the summer due to the proximity of the road to some spring areas and associated sheep habitat. The park responds that there has been no conclusive research or evidence that indicates that by keeping the road open during the summer months there have been any negative impacts on the Desert Bighorn Sheep populations associated with this area of the park. The park has hired a wildlife biologist and plans to develop short and long range monitoring programs of the park's Desert Bighorn Sheep populations. The park will continue to provide the opportunity for park visitors to experience this extraordinary area of the park throughout the year until scientific investigation proves it is detrimental to the sheep population.

Another comment letter focused on grazing activities in the park. Relative to grazing levels or use of an allotment and the associated water developments, one commentator stated that "livestock tanks and troughs are an integral part of a grazing allotment and should remain if utilization by livestock continues" (with no removal of tanks and troughs if use is decreased or moved). The park responds that given the provisions of the California Desert Protection Act, which provides that grazing allotments shall continue to be exercised at "no more than the current level" established prior to the Act, and subject to reasonable regulations, policies and practices. *Current* range facilities will remain in place unless identifiable negative impacts occur in the short term. Any impacts to resources will be considered in a grazing management plan that is being developed by the park, along with an assessment of impacts to park resources and recommendations addressing those impacts.

It should be noted that three out of the four grazing allotments that existed prior to the establishment of Death Valley National Park have been retired and that the park will work to restore those retired allotments to natural conditions. The commentator also noted that the Bureau of Land Management (BLM) had developed an Allotment Management Plan (AMP) for the Hunter permit within the boundaries of Death Valley National Park, but the plan was never fully implemented. The park responds that while we agree that a BLM AMP had been developed prior to the park's establishment, it was never implemented. The park will develop a grazing management plan that adequately assesses all park resources that may be impacted by grazing activities.

CONCLUSION

Alternative 1 provides the most comprehensive and proactive strategy among the alternatives considered for meeting the National Park Service's purposes, goals, and criteria for managing Death Valley National Park in accordance with Congressional direction, federal laws, and NPS management policies. The selection of Alternative 1, as reflected by the analysis contained in the environmental impact statement, would not result in the impairment of park resources and would allow the National Park Service to conserve park resources and provide for their enjoyment by visitors.

Approved:

Signed: Patricia A. Neubacher Dated: 9/27/01

Appendix D. Northern and Eastern Mojave Project Time Line

October 31, 1994	California Desert Protection Act signed redesignating Death Valley and Joshua Tree National Monuments as National Parks and creating Mojave National Preserve.
September 5, 1995	Notice of Intent for planning effort published in Federal Register. Planning team stationed at Mojave headquarters.
September 21-27, 1995	Ten public scoping meetings to identify issues were held in southern California and in Nevada.
April 14-24, 1997	Ten public scoping meetings to identify alternatives were held in southern California and in Nevada.
September 11, 1998	Notice of Availability for Death Valley National Park and Mojave National Preserve Draft Environmental Impact Statements / General Management Plans. Plans released for 127-day public review, ending January 15, 1999.
October 1998	Eleven public meetings to comment on the draft plans were held in southern California and Nevada.
April 1999	"Timbisha Shoshone Homeland" draft report released for review.
April 2000	Draft Legislative Environmental Impact Statement, Timbisha Shoshone Homeland released for review.
September 6, 2000	Revised Draft Environmental Impact Statements / General Management Plans released for 92-day public review due to substantial changes required as a result of public comment on the 1998 draft.
Oct. 27-Nov. 17, 2000	Eleven public meetings to comment on the revised draft plans were held in southern California and Nevada.
November 2000	Final Legislative Environmental Impact Statement, Timbisha Shoshone Homeland released for review.
November 1, 2000	Timbisha Shoshone Homeland Act signed. Three hundred acres in Death Valley National Park are transferred to the Tribe.
June 22, 2001	Abbreviated Final Environmental Impact Statements / General Management Plans released and notice published in Federal Register by EPA.
September 27, 2001	Record of Decision on Death Valley's Final Environmental Impact Statement/ General Management Plan signed.
March 26, 2002	Federal Register Notice of Record of Decision Approval published.